

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
) No. _____
v.)
)
CERTAIN REAL PROPERTY)
LOCATED AT 488 DAVENTRY)
CIRCLE, CALERA, ALABAMA,)
TOGETHER WITH ALL)
IMPROVEMENTS, FIXTURES,)
AND APPURTENANCES)
THEREON;)
)
Defendants.)

VERIFIED COMPLAINT FOR FORFEITURE IN REM

Comes now the United States of America, by and through its counsel, and respectfully presents to this Court the following:

1. This is a civil action *in rem* for forfeiture of Certain Real Property located at 488 Daventry Circle, Calera, Alabama (the "Daventry Circle Property," more particularly described in *Attachment A* hereto); together with all improvements, fixtures, and appurtenances thereon; pursuant to 21 U.S.C. § 881(a)(6).
2. This Court has jurisdiction over this subject matter pursuant to 28 U.S.C. §§ 1345 and 1355.

3. This Court has *in rem* jurisdiction over the Daventry Circle Property pursuant to 28 U.S.C. § 1335.

4. This Court has venue over this action pursuant to 21 U.S.C. § 881(j) and 28 U.S.C. §§ 1335 and 1339.

5. An investigation by the United States Drug Enforcement Administration (“DEA”) has revealed the following:

(a) That from around 2008 to the present, Francisco Bautista-Duenas, Leonel Soto, Anne Woods, Richard Ray Oldham, and others have been a part of an organization (the “Organization”) responsible for trafficking large quantities of cocaine, methamphetamine, and marijuana in Chilton, Jefferson, and Shelby County, Alabama, as well as numerous areas outside the State.

(b) For instance, the Organization’s narcotics activities include, but are not limited to, the following examples:

- In or around January 2009, Bautista-Duenas sent members of the Organization, including Woods, from Alabama to a residence in North Carolina to sell and deliver cocaine on behalf of Bautista-Duenas and the Organization;

- Also in or around January 2009, Oldham purchased approximately 50 pounds of marijuana from Bautista-Duenas for sale and

distribution. Woods acted as a courier for this transaction;

- Also in or around January 2009, Bautista-Duenas purchased cocaine, for distribution, from a supplier at a location in Jemison, Alabama.
- In or around February 2009, Bautista-Duenas arranged for a truck driver to transport approximately 14 pounds of methamphetamine from California to North Carolina.

488 Daventry Circle, Calera, Alabama

(c) That Bautista-Duenas used the proceeds from various illegal narcotics transactions to acquire, maintain, and/or improve the Daventry Circle Property.

(d) That Francisco Bautista-Duenas has no legitimate source of income.

6. Cocaine, methamphetamine, and marijuana are controlled substances under 21 U.S.C. § 801 *et seq.*

7. The Daventry Circle Property represents or is derived from proceeds traceable to an exchange for a controlled substance that is in violation of Title II of the Controlled Substances Act, 21 U.S.C. § 801 *et seq.*, and is therefore subject to forfeiture to the United States of America pursuant to 21 U.S.C. § 881(a)(6).

8. The Daventry Circle Property is within the jurisdiction of the United

States District Court for the Northern District of Alabama.

9. The names and addresses of possible claimants known to the Plaintiff are as follows:

Francisco Bautista-Duenas
P.O. Box 1240
Columbiana, 35051

Dania Naverrette Bautista
488 Daventry Circle
Calera, Alabama 35040

Marbella Capital, Inc.
P.O. Box 361932
Birmingham, AL 35236

WHEREFORE, the Plaintiff requests that due notice issue to enforce the forfeiture and to give notice to all interested parties to appear and show cause why the forfeiture should not be decreed; that the Daventry Circle Property be condemned and forfeited to the United States of America for disposition according to law; and for such other and further relief as this Court may deem just and proper.

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United States Attorney

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ATTACHMENT A

Certain real property located at **488 Daventry Circle, Calera, Alabama**, together with all improvements, fixtures, and appurtenances thereon, more particularly described as follows:

Lot 84, according to the survey of Daventry Sector II, Phase II, as recorded in Map Book 29, Page 32, in the Probate Office of Shelby County, Alabama.

VERIFICATION

I, JAMES L. WIGLEY, JR., am a Task Force Agent of the United States Drug Enforcement Administration (“DEA”) and one of the investigators assigned to the investigation of this case. I have read the contents of the foregoing Complaint for Forfeiture *In Rem*, and the statements contained therein are true to the best of my knowledge and belief. I base my knowledge for this verification of the Complaint for Forfeiture *In Rem* on the following:

- a. Information provided to me by other law enforcement officers who have participated in the investigation of the Organization and the named Defendant;
- b. My participation in the investigation of Organization and the named Defendant;
- c. My experience in investigation of illegal drug trafficking and the experience of other law enforcement officers related to illegal drug investigations.

I declare under penalty of perjury as provided by 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed on this 7th day of May 2009.



JAMES L. WIGLEY, JR.
Task Force Agent
DEA